

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TODD WALSH,

Plaintiff,

vs.

SHERIFF GARRY LUCAS, individually and
as employee, agent and/or Sheriff for Clark
County; CLARK COUNTY, a municipal
corporation; DEVIN ALLEN, individually
and as employee for Clark County; JENNI
ZUPFER, individually and as employee for
Clark County, LILLY BEASLEY,
individually and as employee for Clark
County, JOHN/JANE DOE, individually and
as employee for Clark County,

Defendants.

No. 3:15-cv-05440-RJB

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND THE
COMPLAINT

THIS MATTER, comes before the Court on Plaintiff's motion to amend the complaint.
Dkt. 24. According to Plaintiff, Defendants oppose the motion, Dkt. 24, at 3, but Defendants
filed no written opposition. The Court has reviewed the motion and remainder of the file
therein.

Under Federal Rule of Civil Procedure 15(a), Plaintiff's motion to amend is granted "by
leave of court or by written consent of the adverse party," but should be "freely given when
justice so requires." Fed. R. Civ. P. 15(a). See *United States v. SmithKline Beecham, Inc.*, 245
F.3d 1048, 1052 (9th Cir. 2001). In exercising its discretion, courts should apply Rule 15 with
extreme liberality so as to serve the underlying purpose of the rule, namely, to facilitate a

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TO AMEND THE COMPLAINT - 1

1 decision on the merits rather than on the pleadings or technicalities. *Morongo Band of Mission*
2 *Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990); *Eldridge v. Block*, 832 F.2d 1132, 1135
3 (9th Cir. 1987).

4 There are limitations on the extremely liberal policy favoring amendments, where the
5 party opposing the amendment can show any of the following: (1) undue delay; (2) bad faith or
6 dilatory motives on the part of the movant; (3) repeated failure to cure deficiencies by previous
7 amendments; (4) undue prejudice to the opposing party; or (5) futility of the proposed
8 amendment. *United States v. SmithKline Beecham, Inc.*, 245 F.3d 1048, 1052 (9th Cir. 2001);
9 *Owens v. Kaiser Foundation Health Plan, Inc.*, 244 F.3d 708, 712 (9th Cir.2001); *Richardson*
10 *v. United States*, 841 F.2d 993, 999 (9th Cir. 1988); *DCD Programs, Ltd. v. Leighton*, 833 F.2d
11 183, 187 (9th Cir. 1987).

12 Applying Rule 15 to this case, Plaintiff's motion should be granted. Plaintiff's motion
13 comes well in advance of the discovery cutoff, and Defendants have not their burden to show a
14 reason to not apply the default policy of liberal amendments permitted by the rule.

15 * * *

16 Plaintiff's motion to amend (Dkt. 24) is GRANTED.

17 IT IS SO ORDERED.

18 ENTERED this 21st day of September, 2015.

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21 ROBERT J. BRYAN
22 United States District Judge
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